

REMARKS/ARGUMENTS

Claims 1-17 and 19 are pending in the application.

Claims 1 and 9 are currently amended.

Rejection under 35 U.S.C. § 112

Claims 1-17 and 19 stand rejected under 35 U.S.C. § 112, paragraph 2, as being indefinite.

Claims 1 and 9 have been amended to remove certain language. Applicants note that such amendments are only made as clarifying amendments and are not intended to limit the scope of the claims or exclude any particular embodiments. Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 112.

Rejection under 35 U.S.C. § 102

Claims 1-17 and 19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Eberle et al. (WO02053560). Claims 9-17 and 19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Zimmerman (WO9509853).

Applicants respectfully draw the Examiner's attention to the proviso toward the end of claims 1 and 9 which states "... provided that when A is CH, A' is N and R₃, R₅ and R₆ are all H then R₄ is not hydrogen, halogen, alkoxy, haloalkyl, haloalkoxy or alkyl; ..."

Applicants note that position equivalent to R₄ in the present claims, R₁ in Eberle, are selected from those groups now excluded from the present claims (see page 1, line 27 of Eberle). With respect to the compounds of Zimmerman referred to by the Examiner, Applicants note in the present claims it is not possible for the R₄ position (R₂ in Zimmerman) to be chlorine when the R₃, R₅ and R₆ positions are hydrogen.

Applicants respectfully submit that the proviso provides to exclude those compounds disclosed by Eberle and Zimmerman. Applicants respectfully request withdrawal of the rejections under 35 USC 102.

For the reasons set forth above, Applicants respectfully submit that the present response overcomes all outstanding objections and rejections. Applicants respectfully request Examination of all claims.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, or credit any overpayment, to Account No. 50-1676 in the name of Syngenta Crop Protection, Inc.

USPTO Customer No. 26748
Syngenta Crop Protection, Inc.
Patent and Trademark Dept.
410 Swing Road
Greensboro, NC 27409
(336) 632-6757

Respectfully submitted,
/JAMES CUEVA/
James Cueva
Reg. No. 58,558
Attorney for Applicants

Date: August 16, 2011